

<b>SUBJECT:</b>	Services and Accommodations for Students with Disabilities
<b>REVIEWED/REVISED:</b>	7/2013; 7/2015; 7/2019
<b>PURPOSE:</b>	To communicate NMC's compliance with the Americans with Disability Act (ADA) and Section 504 of the Rehabilitation Act of 1973 and to provide students with qualifying disabilities possible accommodations.
<b>POLICY OWNER:</b>	Chief Student Officer (Dean of Students)

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**POLICY:**

Nebraska Methodist College is committed to full compliance with the Americans with Disabilities Act (ADA) and Section 504 of the Rehabilitation Act of 1973 by providing equal opportunity and reasonable accommodations to qualifying students with disabilities. Students, faculty, staff, and administration all play a role in ensuring that reasonable and appropriate accommodations are provided in a timely and effective manner.

It is NMC's policy that no qualified student who demonstrates a physical or mental impairment that substantially limits one or more major life activities be excluded from participation in, be denied benefit of, or be subject to discrimination in any program or activity offered by NMC. NMC endeavors to provide qualified students with disabilities equal access, not advantage, to the College's educational opportunities, facilities, programs and activities in the most integrated setting appropriate to the needs of the individual.

It is the student's responsibility to request accommodations. It is only through the student's voluntary disclosure of disability and request for accommodations that NMC can support the student's disability needs. For more information about how to request accommodations, please contact Lisa Flairty, Director of Academic Success at (402) 354-7029 or [Lisa.Flairty@methodistcollege.edu](mailto:Lisa.Flairty@methodistcollege.edu).

**Definitions**

- **Individual with a disability.** Someone with a physical or mental impairment that substantially limits one or more major life activities. Physical impairments include, for example, specific learning disabilities, emotional or mental illness, blindness and visual impairments, deafness and hearing impairments, mobility impairments, and some chronic illness.

- **Major life activity.** Functions such as caring for oneself, performing manual tasks, walking, seeing, hearing, speaking, breathing, working, and learning. A person is considered to be an individual with a disability and protected by law if he/she has the disability, has a record of having the disability, or is regarded as having the disability.
- **Qualified student with a disability.** An individual who, with reasonable modifications or accommodations (if necessary) to rules, policies or practices, the removal of barriers, of the provision of auxiliary aids and services, meets the essential eligibility requirements for the receipt of services or the participation in programs and activities.
- **Accommodation.** A change in the status quo. A reasonable accommodation in the student setting is a modification or adjustment to a class or program that allow the person with a disability to participate as fully as possible in the programs and activities offered by NMC.

### **Responsibilities of Student**

- Initiate the request process with the Director for Academic Success. It is only through the student's voluntary disclosure of disability and request for accommodation that NMC can support student's disability needs.
- Provide documentation of the disability if necessary and provide other relevant information (e.g., as to specific modification requested).
- To deliver modification letters to course instructors, if relevant and necessary for the modification.
- To notify the Director of any pertinent changes each semester.
- To work cooperatively with the Director.

### **Disclosure of Disability and Request for Accommodation**

- Consideration for services or accommodations is initiated by a student's disclosure of a qualified disability and request for services or accommodations.
- NMC encourages that disclosure of disability and requests for services or accommodations be made early (prior to the start of the semester or very early in the semester) to the Director to allow time to review requests and documentation and make proper arrangements. Accommodation arrangements may be compromised or denied if a request is not made in a timely manner.
- Students may disclose their disability and request services by contacting the Director; however, students must meet with the Director in person to determine the appropriateness of the request.
- NMC will respond to student's request in a timely and reasonable manner, but no longer than two (2) months or sixty (60) business days from the time of the request, unless extenuating circumstances exist.
- Faculty/professional staff may, in collaboration with student, refer student to the Director for Academic Success if they believe that a student has a disability that qualifies them for accommodations. The referral may be in the form of a student exploring personal learning

concerns, staff member encouragement based upon student expressed concerns, or a faculty-generated student contract from a specific course.

## **Documentation**

- When making an accommodation request, student may be required, at NMC's request, to provide documentation from qualified professionals (e.g., physician, psychologist) that establish the nature and extent of the disability, that the student has a current need for accommodation, and the basis for the diagnosis and dates of testing. Any documentation submitted must be current. Whether or not documentation is current will depend on the nature of the disability. (See "Documentation for Students with Disabilities" for further documentation requirements)
- Documentation may serve to demonstrate a student's need for accommodation in order to assure equal access. Documentation may also serve to demonstrate the existence of a disability, affording the promise of nondiscrimination under ADA and Section 504. The type of documentation will vary according to disability. Examples include, but are not limited to: a psycho-educational or neuropsychological assessment for learning and other cognitive disabilities, a psychiatrist's report for psychological disabilities, a letter from a doctor or other specialist for physical and most other disabilities. Documentation must demonstrate that the physical or mental disability creates a substantial limitation to a major life activity to establish eligibility protection under the law.

## **Confidentiality**

- Documentation of a student's disability is maintained in a confidential file in the office of the Director of Academic Success. This documentation is considered a "treatment record" and not part of the student's education record.
- Confidential records are held and maintained by the Director on the behalf of the institution.
- All information related to a disability is confidential and may be disclosed *only* with the permission of the student or otherwise as permitted by the Record Retention policy and state and federal laws.

## **Determining Accommodations**

- Disability documentation is used to determine eligibility for services and to establish a current need for accommodations.
- Accommodations are determined on a case-by-case basis taking into account the learning needs of the students, the requirements of the learning task, the course standards and essential requirements, and the educational environment.
- The determination of an appropriate and reasonable accommodation revolves around the interaction between the individual and NMC. Specifically, accommodations are determined by the Director in consultation with the student and input from the faculty, as needed. The Director has been designated by the College, and its administration, as the principle person with the responsibility/authority to determine disability-related accommodations.

- The College need not give primary consideration to a specific accommodation request by a student. However, based on the legislative history of the ADA, the Director will do their best to consult with the student when determining an appropriate accommodation(s).
- If student submits documentation from a qualified health professional showing a medically diagnosis, the diagnosis is neither necessary nor controlling in determining student's disability status, but a factor in the evaluation process. At the discretion of the Director, student may be required to undergo additional evaluations if needed to effectively collaborate with the student in securing appropriate learning strategies. Student will not be entitled to selecting a specific evaluator.

### **Implementing Accommodations.**

- Faculty, staff or the Director is responsible for the implementation of the accommodation identified by the Director. Faculty and staff are required to support approved accommodations.
- Faculty will be notified of approved accommodations through a written letter which will be provided to the qualified student outlining the students accommodations based upon their eligibility under ADA and Section 504.
- A student who believes that approved accommodations have not been provided appropriately is encouraged to schedule a meeting with the Director to explore the matter and identify a resolution.

### **Testing Accommodations**

- Accommodations, including alternative testing formats, may be provided by the Director, faculty, or staff, including, but not limited to, recommendations and/or requirements for successful comprehensive student learning.
- If an alternative testing format is deemed most appropriate to accommodate the student, the student will be required to notify the necessary instructors by submitting to them an "Alternative Test Request Form." The instructor and the Director/Academic Success staff will make the appropriate arrangements to implement the alternative testing procedures.

### **Reassessment and Review**

- At the inception of each semester in which the student is enrolled, the student and the Director will reassess the accommodation plan.
- Student will be entitled to reasonable accommodations until they are determined ineligible through the periodic re-evaluation process.

### **Denial of Accommodation.**

- NMC reserves the right to deny services or accommodations in the event documentation does not comply with the criteria of the ADA or Section 504, or documentation is out-of-date or incomplete.

- If the student submits documentation that does not support or prove the existence of a disability or the need for an accommodation, the student will be so advised. Student may be given the opportunity to supplement the initial documentation with further documentation from a qualified professional.
- NMC is not required to provide an accommodation that compromises the essential requirements of a course or program, imposes an undue financial burden based on NMC's overall institutional budget, or poses a threat to the health or safety of the student or others.
- If student refuses to consent to the Director of Academic Success determining whether student has a qualified disability, student will not be considered disabled.

### **Student Appeal.**

- A student who disagrees with the determination of eligibility or accommodation made by the Director is encouraged to schedule a meeting with the Director to explore other options or resolved the matter informally.
- A student who disputes the determination by the Director regarding the existence of a disability or denial of an accommodation may file a written complaint with the Dean of Students within thirty (30) days of the date of the Director's determination. The decision of the Dean of Students shall be final.

### **Temporary Disabilities.**

- NMC recognizes that individuals with temporarily disabling conditions that are result of injuries, surgery or short-term medical conditions may need access to services and resources similar to individuals with permanent disabilities. Examples of temporary disabilities include, but are not limited to: broken limbs, hand injuries, or short term impairments following surgery or medical treatments.
- To receive accommodations for a temporary disability, the student must contact the Director for Academic Success and provide the appropriate documentation to him/her. The documentation must indicate the type of disability, severity, limitations, prognosis, and estimated duration of the disabling condition.
- Documentation must be recent enough to identify current limitations. Additional documentation may be requested to verify continued services after the estimated duration of the condition has expired.
- The Director will work with the student to determine the appropriate accommodations and to discuss the process. In situations where accommodations are needed immediately but documentation may not yet be available, the Director will make every effort to work with the students to provide accommodations.